

OCT 29 1997

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
of 1996)
_____)

CC Docket No. 96-98
DA 97-2234

RESPONSE OF BELL ATLANTIC

The Commission requires that area code relief plans be “technology neutral” — that they “not unduly favor one technology over another.”¹ Consistent with this policy, the Commission’s Rules require that in a geographic code overlay: “No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group’s provision of a specific type of telecommunications service or use of a particular technology.”²

Bell Atlantic³ understands the Commission’s policy to mean that technological differences should not affect the ability of carriers to use numbering resources. In particular, area code relief plans may not require carriers using different

¹ *Second Report and Order* ¶ 281.

² 47 C.F.R. § 52.19(c)(3)(i).

³ The Bell Atlantic is Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company, New England Telephone and Telegraph Company, Bell Atlantic Mobile, Inc. and Bell Atlantic Communications, Inc.

0+4

technologies to use numbers differently or require them to use numbers in different NPAs. All numbers should be equally available to carriers without regard to the technology they employ. Any relief plans should assure all carriers of future access to numbers. The technology used by a carrier should not affect the way its customers make calls or the dialing arrangements they use.

The language of the Commission's Rules suggests that the NXX-X number pooling approach is not technologically neutral, at least today. As has been pointed out, this approach is technology neutral only when all users of numbering resources can use it on the same terms, and that can occur only when they all have LRN technology. Wireless carriers will not have this technology for some time, and until they do, it is not practical for them to participate in NXX-X number pooling or, for other technical reasons, to participate in the associated "transparent overlay code."⁴ If carriers without LRN cannot obtain numbers in the NXX-X number blocks and if NXXs in the old area code are exhausted before these carriers have deployed LRN, they will not be able to obtain any numbers at all. This problem could be somewhat ameliorated if these carriers could be guaranteed numbers in the old NPA, but this will be difficult in light of the jeopardy situation that already exists in many area codes. On the other hand, guaranteeing wireless carriers numbers in the existing NPA could be seen as

⁴ Letter from John T. Scott, III, on behalf of Bell Atlantic Mobile, Inc., to Regina Keeney, Chief, Common Carrier Bureau, dated September 12, 1997.

discriminating against landline providers, also inconsistent with the Commission's Rules.⁵

If wireless carriers are required (either by the regulators or by their need for numbers) to use the pooled numbers with the transparent overlay code, some wireless customers would have different dialing patterns for local calls from other wireless customers and from landline customers. Thus, a wireless customer with one of these numbers would have to dial ten digits to make calls to local numbers in the existing NPA, while landline customers could make these calls with seven-digit dialing.⁶

Unassigned number porting is a form of number pooling and raises similar issues. In addition, because it would be done on an individual telephone number basis, it requires a neutral third-party administrator and pooling administration guidelines, neither of which exists today. Under no circumstances should porting unassigned numbers be implemented absent having the appropriate pooling administration oversight and processes in place.

Finally, Bell Atlantic does not equate "not technology neutral" and "anticompetitive." There may be arrangements that are not neutral, but that have little or no effect on competition. The Commission's existing policy prohibits relief plans that are not technology neutral even where there is no competitive effect. If the Commission is inclined to modify this approach, it should be careful that its new policy retains the neutrality requirement in those cases where it does make a competitive difference, such as

⁵ It would also be inconsistent with the Rules for an NXX-X pooling plan to apply only to incumbent LECs and to exclude competitive LECs.

⁶ See Bell Atlantic Mobile letter cited in footnote 4.

by prohibiting plans that impose different rules or burdens on incumbent LECs as compared to competitive LECs.

Respectfully submitted,


John M. Goodman

Attorney for Bell Atlantic

1300 I Street, N.W.
Washington, D.C. 20005
(202) 336-7874

Edward D. Young III
Michael E. Glover
Of Counsel

Dated: October 29, 1997